

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 1026

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO EXPENDITURE OF PUBLIC MONEY; PROVIDING FOR CAPITAL EXPENDITURES; ESTABLISHING CONDITIONS FOR PROJECTS WITHIN THE NAVAJO NATION; PROVIDING FOR DIRECT PAYMENTS TO VENDORS; DEFINING INDIGENCY; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LEGISLATIVE FINDINGS AND PURPOSE. - -

A. The legislature finds that many residents of this state living within Indian country are impoverished and are involuntarily living without electrical service, indoor plumbing, adequate potable water or telecommunications. This finding is based upon federal decennial census data showing Native Americans living in Indian country have a long history of income below federal poverty levels and a lack of basic domestic amenities. Living under such adverse circumstances

1 has a negative impact on the education of children at the
2 elementary and secondary school levels.

3 B. The legislature finds it is the policy of this
4 state to improve the basic quality of life of residents within
5 Indian country through the use of any means available.

6 C. The purpose of this act is in part to enable the
7 state, in compliance with the provisions of the constitution of
8 New Mexico, to provide financial assistance to residents within
9 Indian country so that they may be served by basic residential
10 services such as electrical service, indoor plumbing, sewer,
11 adequate potable water and telecommunications.

12 Section 2. FISCAL AGENTS FOR NAVAJO NATION
13 PROJECTS. --When permitted pursuant to the provisions of
14 applicable tribal law, the state may contract through a fiscal
15 agent other than the Navajo Nation for the expenditure of state
16 funds on behalf of the Navajo Nation or its local subdivisions.
17 No administrative fee shall be charged for serving as a fiscal
18 agent.

19 Section 3. DIRECT PAYMENTS. --

20 A. In the case of capital outlay projects located
21 within Indian country and authorized to the Indian affairs
22 department, the state may make payments directly to third-party
23 contractors for services rendered or goods supplied regarding
24 such projects. Upon approval by the Indian affairs department
25 of a billing statement submitted on behalf of a vendor by a

1 tribal government or a local subdivision of a tribal
 2 government, the department may arrange for payment of that
 3 statement directly to the vendor.

4 B. The department of finance and administration is
 5 authorized to make payments directly to third-party contractors
 6 for services rendered or goods supplied regarding capital
 7 outlay projects located within Indian country and authorized to
 8 the Indian affairs department.

9 Section 4. NAVAJO NATION PROJECTS--GENERAL FUND
 10 APPROPRIATIONS.--Money appropriated from the general fund to
 11 several chapters of the Navajo Nation located in New Mexico for
 12 the same or similar purposes may be pooled by those chapters to
 13 create a regional or centralized project upon review of the
 14 Indian affairs department and approval by the state board of
 15 finance.

16 Section 5. PRESUMPTION OF INDIGENCY.--For the purposes of
 17 capital outlay projects located within Indian country and
 18 authorized to the Indian affairs department, pursuant to
 19 Article 9, Section 14 of the constitution of New Mexico,
 20 persons who reside in Indian country who are not served by
 21 electric service, water service, indoor plumbing, sewers or
 22 telecommunications are presumed to be indigent.

23 Section 6. RULEMAKING AUTHORITY.--The department of
 24 finance and administration or the Indian affairs department
 25 shall promulgate rules necessary to implement the provisions of

. 158035. 4

1 this act.

2 Section 7. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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